

## **ARTICLE X**

### **TRANSMISSION TOWER REGULATIONS**

#### **10.1 - PURPOSE**

The purposes of the following regulations are to: facilitate the provision of wireless service facilities and services to the community; minimize adverse visual effects of towers through design, siting, landscaping, and innovative construction techniques; avoid potential damage to adjacent properties from tower structure failure through structural standards and setback requirements; maximize the use of existing and approved tower structures and facilities to accommodate new wireless transmission facilities to reduce the number of tower structures needed to serve the community; and ensure removal of abandoned structures.

#### **10.2 - GENERAL PROVISIONS**

The following regulations shall apply to all tower structures, including alternative tower structures, antenna arrays, co-location, city-owned utility towers, and location on existing structures.

##### **10.2.1 USES:**

Tower structures may be considered as either principal or accessory uses.

##### **10.2.2 EXEMPT STRUCTURES:**

The following structures shall be exempt from the provisions of this Article:

- A. City-owned utility towers; and
- B. Facilities used for amateur radio antennas which are under thirty (30) feet in height.

##### **10.2.3 TEMPORARY FACILITY:**

A temporary transmission tower or antenna array may be erected at a location where an existing transmission tower or antenna array is out-of-service due to construction or repair of the transmission tower, antenna array, or facility at which the transmission tower or antenna array is located. The temporary facility may be used for a maximum of six (6) months and shall be removed within six (6) months of installation, unless an extension is granted by the Chief Building Official. Maximum height shall be one-hundred (100) feet. Temporary facilities shall be subject to Administrative Review.

##### **10.2.4 BUILDING CODES:**

To ensure the structural integrity of tower structures, tower structures shall be maintained in compliance with standards contained in applicable building codes and the applicable standards for tower structures of latest edition as published by the Electronic Industries Association.

10.2.5 HEIGHT:

The maximum height of any tower structure shall be based on the potential number of users for each tower. A tower structure with the ability for only one user shall not exceed one-hundred (100) feet in height. A tower structure with the ability for two users shall not exceed one-hundred twenty five (125) feet in height. A tower structure with the ability for three or more users shall not exceed one-hundred fifty (150) feet in height. A tower structure or antenna array placed on an existing structure, such as a building, water tank, or light pole, shall not increase the height of said structure by more than thirty (30) feet. An antenna array placed on an existing tower structure shall not exceed the maximum height permitted for said structure.

10.2.6 SETBACK:

The following setback requirements shall apply to tower structures, excluding alternative tower structures and the co-location of an antenna array on an existing tower structure:

10.2.6.1 The minimum setback of a tower structure from all property lines which does not abut a residential zone shall be fifty (50) feet;

10.2.6.2 The minimum setback of a tower structure from all property lines which abuts a residential zone shall be two (2) times the height of said tower structure;

10.2.6.3 All support buildings and equipment, including guy wires, shall be subject to the minimum setback requirements for a primary use of the zoning district where the tower structure is located; and

10.2.7 LIGHTING:

Tower structures shall not be artificially lighted unless required by the Federal Aviation Administration (FAA), city of Johnson City, or other applicable authority.

10.2.8 POWER:

Auxiliary power from a generator may be used as a back-up power source only during emergency situations on a temporary basis.

10.2.9 SIGNS:

No commercial advertising signs shall be located on any tower structure.

10.2.10 LANDSCAPING:

Excluding an alternative tower structure, all tower structures and support buildings and equipment shall be screened on all sides by a Type 1 buffer.

**10.2.11 SUPPORT BUILDINGS AND EQUIPMENT:**

Support buildings and equipment associated with a tower structure shall not exceed a maximum height of fifteen (15) feet and a maximum square footage of four-hundred (400) square feet

**10.2.12 SURETY BOND:**

The tower structure owner shall post a cash bond for the amount of the tower structure's demolition as determined by an engineering report submitted by the applicant and approved by the City Engineer after all approvals and prior to the issuance of a building permit. An engineering report shall be submitted annually to the Chief Building Official stating the tower continues to be in operation.

**10.2.13 INSPECTION:**

If, upon inspection by the Chief Building Official or designee, a tower structure fails to comply with applicable building and zoning codes, the owner of the tower structure has thirty (30) days to bring it into compliance with such codes. Failure to bring it into compliance within thirty (30) days shall constitute grounds for removal by the city at the expense of the tower structure owner. If the tower is not removed by the tower structure owner, the city shall revoke the bond to pay for its removal.

**10.2.14 ABANDONMENT:**

If any tower structure is not in use for twelve (12) consecutive months, it shall be deemed abandoned by the Chief Building Official and be removed by the owner of the tower structure. Failure to remove the tower structure within ninety (90) days shall constitute grounds for removal by the city at the expense of the owner of the tower structure. If the tower is not removed by the tower structure owner, the city shall revoke the bond to pay for its removal.

**10.3 - SUBMITTAL AND REVIEW**

**10.3.1 ADMINISTRATIVE REVIEW:**

10.3.1.1 The following uses shall be subject to administrative review by the Chief Building Official:

- A. The co-location of an antenna array on an existing tower structure or existing structure such as a building, water tank, or light pole. The existing tower structure must meet the latest standards for wind and ice loads;
- B. The placement of additional support buildings or equipment;
- C. A replacement tower structure which does not exceed the height of the existing tower structure. If the existing tower structure encroached into the minimum setback, the

replacement tower structure shall conform to minimum setbacks;

D. A temporary facility; and

E. Any modification to an existing tower structure which is not a “substantial change”.

10.3.1.2 The following shall be submitted to the Chief Building Official for administrative review:

- A. A site plan drawn to scale indicating the location and height of the tower structure and any new improvements including any additional site and tower structure modifications; and
- B. Review fee.

10.3.1.3 Within thirty (30) days of receiving an application, the Chief Building Official shall determine if the application is complete. If the application is deemed incomplete, it must be stated what specific provisions of the code are deficient. Once new information is submitted, the city has ten (10) days to determine if the new information completes the application. Second or subsequent notices that the application is incomplete may not specify missing information not contained in the original notice of incompleteness.

10.3.1.4 Within sixty (60) days of receiving a complete application, the Chief Building Official shall notify the applicant of approval or reason for denial. If the Chief Building Official fails to notify the applicant within sixty (60) days of receiving a completed application, the application shall be deemed approved.

#### 10.3.2 SPECIAL EXCEPTION REVIEW:

10.3.2.1 The following uses shall be subject to review by the Board of Zoning Appeals as a Special Exception:

- A. A new tower structure;
- B. An alternative tower structure; and;
- C. A replacement tower structure which exceeds the height of the existing tower structure.

10.3.2.2 The following information shall be submitted for tower structures:

- A. If there are any tower structures within one (1) mile of the proposed tower structure, the applicant shall submit a report by a registered engineer citing one of the following factors why the other tower structure(s) are not suitable:
  - 1. Existing tower structures are not of sufficient height or do not have sufficient structural strength to support additional

- equipment;
- 2. The applicant's proposed tower structure would cause electromagnetic interference with existing tower structures;
- 3. Fees, costs, or contractual provisions required by the tower structure owner are financially or contractually prohibitive; or
- 4. The applicant demonstrates other limiting factors which make the other tower structure unsuitable.
- B. A report by a registered engineer stating the total number of potential users for the tower structure;
- C. A site plan drawn to scale indicating setback distances, height, landscaping, ingress and egress, support buildings and equipment, and parking areas;
- D. Elevation drawing of the tower structure including materials, color, and height;
- E. Any additional conditions required by the Board of Zoning Appeals to promote compatibility with the surrounding neighborhood; and
- F. Review fee.

10.3.2.3 The following information shall be submitted for alternative tower structures:

- A. If there are any tower structures within one (1) mile of the proposed tower structure, the applicant shall submit a report by a registered engineer citing one of the following factors why the other tower structure(s) are not suitable:
  - 1. Existing tower structures are not of sufficient height or do not have sufficient structural strength to support additional equipment;
  - 2. The applicant's proposed tower structure would cause electromagnetic interference with existing tower structures;
  - 3. Fees, costs, or contractual provisions required by the tower structure owner are financially or contractually prohibitive; or
  - 4. The applicant demonstrates other limiting factors which make the other tower structure unsuitable.
- B. A report by a registered engineer stating the total number of potential users for the tower structure;
- C. A site plan drawn to scale indicating setback distances, height of the proposed structure, materials, and color;
- D. Elevation drawing of the tower structure demonstrating that the proposed structure is compatible with the surrounding area, buildings, and vegetation;

- E. Any additional conditions required by the Board of Zoning Appeals to promote compatibility with the surrounding neighborhood; and
- F. Review fee.

10.3.2.4 Within sixty (60) days of receiving a complete application, the Chief Building Official shall notify the applicant of approval or reason for denial. If the Chief Building Official fails to notify the applicant within sixty (60) days of receiving a completed application, the application shall be deemed approved.